

REMARKS

Claims 1-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

DOUBLE PATENTING

Claims 1 – 18 stand provisional rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application No. 10/808,250.

Claims 1-18 also stand provisional rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/916,208. These rejections are respectfully traversed.

Applicant elects to file a Terminal Disclaimer, included herewith, to overcome the double patenting rejections.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 12-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Imaeda (U.S. Pat. No. 2001/0029884). This rejection is respectfully traversed.

The Examiner alleges that Imaeda teaches a potassium niobate film used in a device. Applicant respectfully asserts, however, that Imaeda contains no such teaching.

In contrast, Imaeda teaches a lithium potassium niobate film. A lithium potassium niobate film, however, is not equivalent to a potassium niobate film, as claimed. That is, the chemical composition of a lithium potassium niobate (KLN) film (see, for example, paragraph [0057] of Imaeda) is $K_2Li_2Nb_5O_{15}$. A composition including a substantial amount of lithium is obviously different from the chemical composition of potassium niobate of the claimed invention. Additionally, the potassium niobate film of the present invention has an orthorhombic structure (e.g., see p. 13, lines 13-15), whereas a KLN film has a (tetragonal) tungsten bronze structure (e.g. see paragraph [0031] of Imaeda). One skilled in the art would readily acknowledge and appreciate that materials having different chemical compositions and chemical structures would have and exhibit different physical properties. Because the films of Imaeda are different than those of the claimed invention, Applicant respectfully asserts fails to anticipate the claimed invention.

What's more, claim 12 of the present invention recites a surface acoustic wave (SAW) element comprising a potassium niobate single crystal thin film. Claims 13-18 depend from claim 12 and also relate to a SAW element. In contrast, Imaeda is directed to a laser device in which a KLN single crystal film is used as an optical guide layer (see e.g., paragraphs [0004], and [0055] to [0063]). Such an optical device is completely different from the SAW element of the claimed invention. As such, Applicant respectfully asserts that claims 12-18 are not anticipated by Imaeda.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

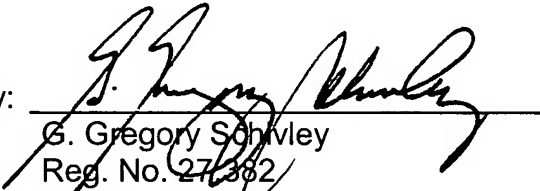
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 10, 2006

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